



PLANNING COMMITTEE: 16TH FEBRUARY 2023

Report of: Corporate Director of Place & Community

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF. 2022/1219/FUL

PROPOSAL: Erection of a 2 storey, 2-bedroom family dwelling with associated car parking

ADDRESS: Land adjacent to 5 Colinmander Gardens, Ormskirk

REASON FOR CALL IN:

Councillor Gareth Dowling: concerns regarding the impact on residential amenity, highways and appropriateness of development.

Wards affected: Knowsley

1. PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks the erection of a two storey, two-bedroom dwelling with associated car parking adjacent to 5 Colinmander Gardens.

2. RECOMMENDATION TO PLANNING COMMITTEE

2.1 REFUSE

3. THE SITE

- 3.1 The application site is a small wedge site located to the eastern side of Colinmander Gardens between existing residential plots. The site has a frontage width of approx. 15 metres, however, this narrows rapidly to approx. 3.0 m to the rear. The site is currently to scrub growth and has established boundary fencing. Land levels fall significantly from south to north.

4. PROPOSAL

- 4.1 The application seeks the erection of a detached 2 storey dwelling with a footprint of 8.4m (l) x 5.3m (w) and ridge height of 6.70m with eaves of 5m. Window openings are proposed only to the front and rear elevations. The dwelling would be set back 1.9m from the highway edge. A vehicular access is proposed to the north of the dwelling with parking for 1 vehicle.

5. PREVIOUS RELEVANT DECISIONS

- 5.1 2011/0112/FUL - Erection of two storey dwelling including new vehicular/pedestrian access. REFUSED
- 5.2 2010/0279/FUL - Erection of two storey dwelling. REFUSED
- 5.3 1998/0942 - Erection of detached dwelling. REFUSED

6. OBSERVATION OF CONSULTEES

- 6.1 Lancashire County Council Highways – 21st December 2022
- Raise concerns over the proposal.
 - The site plan shows a very tight off street parking space without a practical safe pedestrian access.
 - Very little room between the parked vehicle and the adopted highway – should be a minimum of 5m clearance for a vehicle to park, or our highways team will not install a dropped vehicle crossing.
 - Off street parking spaces should measure 2.4m x 5m where they are adjacent to a fence or similar obstruction an additional 0.6m should be provided. Where the driveway is shared pedestrian access an additional 0.8m should be provided.
 - No E.V charging or covered cycle storage has been provided
- 6.2 Principal Engineer – Drainage – 25th January 2023
No objection - conditions suggested

7. OTHER REPRESENTATIONS

- 7.1 A number of objections have been received from neighbouring properties and can be summarised as follows:

Visual appearance / street scene

- Overbearing development located in a prominent and imposing position further forward to the road than any other properties
- Not in keeping with properties on Colinmander which are uniformly set out following the same building line- several meters back from the road with a frontage garden and small driveway
- Will spoil the aesthetic of the area
- Plot shape and size is small and the property would appear 'Shoehorned' in.

Amenity / living conditions

- Dwelling as a result of positioning will be visible to properties to the south/east of Colinmander Gardens (no 5, 7, 9 etc) where currently there is an unobstructed view
- Overlooking of dwellings on Bables Road due to gradient in land
- Loss of light to neighbours as a result of gradient in land, positioning of dwelling and height
- The side elevation of the dwelling would abut number 5 prohibiting maintenance of the boundary

Highways / parking

- Potential danger for road safety posed by the dwelling
- Cars already park directly outside the site and already restrict visibility and manoeuvrability.
- Sightlines within the plot would be obscured by parked cars and would be potentially hazardous for pedestrians and vehicles when existing the site.
- Parking on Colinmander Gardens is already at a premium
- Bin lorries and larger delivery vehicles already struggle navigating the congested roads

8. SUPPORTING INFORMATION

None

9. RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located in the Key Service Centre of Ormskirk as designed in the West Lancashire Local Plan Proposals Map
- 9.3 **NPPF**
Delivering a sufficient supply of homes
Achieving well designed places
- 9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**
Policy SP1 – A Sustainable Development Framework for West Lancashire
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy RS1 – Residential Development
Policy IF2 – Enhancing sustainable Transport Choices
- 9.5 **Supplementary Planning Document**
Design Guide (2008)

10. OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

- Principle of development
- Siting, Layout and design
- Impact on living conditions
- Highways
- Drainage

Principle of Development

10.2 Policy GN1 and RS1 of the Local plan states that residential development will be supported within the settlement boundaries on green field and brownfield land subject to compliance with other relevant policies. Consequently, I am satisfied that the principle of development is acceptable provided that the scheme accords with other relevant policies and material planning considerations.

Siting, Layout and Design

10.3 Development should comply with the requirements of policy GN3 which, along with the Council's SPD Design Guide, which requires that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.

10.4 Colinmander Gardens is made up of mainly two-storey, semi-detached, hipped roof dwellings set back a similar distance (about 7m) from the road frontage. Properties have an ample front garden and driveway. This consistent property style is also continued into the adjacent Bables Road.

10.5 The proposed dwelling would be a two-storey gable end property located about 1.9m back from the road frontage. It would have a minimal roof design because of the high eaves. The siting of the dwelling so close to the road would appear at odds with the existing grain of the area and general pattern of development. Furthermore, the two-storey design and the frontage width of the dwelling so close to the highway would result in a development which appears dominant and overbearing within the street scene. This would be further exacerbated when viewed looking towards a southerly direction because of the gradient in the land rising upwards.

10.6 The property would have a long thin rear garden with an overall area of about 110sq meters. The private amenity space would be significantly less than neighbouring properties however, on balance, I am satisfied it would provide appropriate amenity space for the occupants of the two-bedroom dwelling.

10.7 Overall I consider that the forward positioning of the dwelling, its general scale and design would result in an overbearing development which is at odds with the general character and scaling of the immediate area and street scene. On this

basis I consider that the proposal fails to accord with the principles of Policy GN3 of the Local Plan.

Impact upon living conditions

- 10.8 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposal properties.
- 10.9 The proposed dwelling would be sited to the west of both number 5 Colinmander Gardens and 2 Bebles Road. The floor level of 2 Bebles Road is located about 2m lower than the proposed dwelling, whilst number 5 Colinmander Gardens is situated on a similar land level.
- 10.10 Windows have been omitted from the side gables of the proposed dwelling to avoid direct overlooking into the neighbouring properties. However, because of the differing land levels and the location of the dwelling within its plot, close to the party boundary with number 2 Bebles Road, bedroom 1 would have the opportunity for views into the entire rear garden of this neighbouring property. Whilst a certain element of indirect overlooking would not be an uncommon occurrence in built up residential areas, it is considered that the close siting and scale would adversely impact upon the living conditions of number 2 Bebles Road by way of appearing overbearing and causing significant loss of privacy by way of overlooking.
- 10.11 The positioning of the dwelling to the west of both of its neighbours offsets to some extent its impact in terms of appearing overbearing. I accept that the presence of the dwelling would result in the loss of some views and outlook to neighbours however I do not consider this impact to be so significant to justify reasons for refusal in this regard. It is also likely that the proposed dwelling would result in some loss of light and overshadowing to the rear/ side garden of number 2 Bebles Road however again I do not consider that this impact would be harmful enough to justify a reason for refusal.
- 10.12 I consider that the proposal would push the impact on neighbouring dwellings to the limits of acceptability and just fall within Policy guidelines in terms of overbearing, outlook and loss of light. I do however consider that the window for bedroom 1 would result in an unacceptable level of overlooking to the rear garden of number 2 Bebles Road contrary to Policy GN3, iii) of the Local Plan.

Highways

- 10.13 Policy IF2 of the Local Plan sets out parking standards for new developments based upon the number of bedrooms within a property.
- 10.14 The site lies where two parts of Colinmander converge; these 5 m wide carriageways running around the periphery of a green space to the southwest of the site appear restricted due to the extent of on-street parking. Traffic generally parks to the outside of the carriageway closest to the dwellings.

- 10.15 The proposal would introduce a vehicular access towards the northern side of the plot. It is proposed that one car parking space would be provided on the site. As part of the proposal LCC Highways department has been consulted and have raised concerns over the submitted plans. It is noted that the plans show a very tight off street parking space without a practical safe pedestrian access.
- 10.16 As no effective turning area exists within the site, sightlines in both directions of 2.0 x 25m would be required. These sightlines are likely to be restricted as a result of the existing on street parking. It is evidently clear that the required sightline could not be achieved to the north of the site, as the proposed site entrance is located close to the significant bend in the road.
- 10.17 There is also very little room between the proposed parking vehicle space and the adopted highway. To install a dropped vehicle crossing, a minimum 5m clearance for vehicles to park off street is required. Additionally, no E.V charging, nor covered cycle storage has been provided.
- 10.18 Given the proximity to the convergence of the roadways and impairment to visibility, I consider the location of the vehicular access point could result in a significant detrimental impact on highway safety in the locality contrary to Policy GN3 and IF2 of the Local Plan.

Drainage

- 10.19 A drainage statement has been submitted with the application which outlines that foul water will discharge to the existing foul drain on Colinmander gardens and surface water will discharge to a soakaway in the rear garden. However, beyond these statements, limited information has been submitted. The Councils Principal Engineer has been consulted and raises no objection in principle but has requested that a condition be attached to any approval to ensure full details of how the site will be drained be submitted prior to commencement of development.

11. CONCLUSION

- 11.1 The forward positioning of the dwelling within its plots coupled with the general scale and design would result in an overbearing development which is at odds with the general character and scaling of the immediate area and street scene. Furthermore, as a result of the location of the dwelling close to the party boundary with number 2 Bebles Road, and the gradient of the land meaning that the application property would be on land higher than this neighbour, the window for bedroom 1 would result in overlooking of the garden area to this neighbour and as such an overbearing impact and loss of privacy would result. Lastly concern is raised regarding the proposed vehicular access and parking for the site. Sufficient sightlines have not been demonstrated and the Council is not convinced that they can be achieved. Furthermore, the proposed parking area is insufficient in scale and would not meet the requirements of the highway department to allow a dropped vehicular crossing in this location.
- 11.2 Given the above, the proposal fails to meet the requirements of Policies GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and is therefore recommended for refusal.

12. RECOMMENDATION

Reasons for Refusal

1. The proposed development conflicts with Policy GN3, iii of the West Lancashire Local Plan 2012-2027 and supplementary planning document 'Design Guide' (Jan 2008) in that the rear, first-floor window for bedroom one would result in overlooking and a loss of privacy to the private garden area of No. 2 The Bebles.
2. The proposed development would conflict with Policy GN3, iv of the West Lancashire Local Plan 2012-2027 and supplementary planning document 'Design Guide' (Jan 2008) in that the forward positioning of the dwelling within its plot, coupled with its scale, width and design would result in an overbearing and overly dominant development within the street scene which is at odds with the general characteristic and grain of development within the immediate area.
3. The proposed development would conflict with Policy GN3 and IF2 of the West Lancashire Local Plan 2012-2027 in that the applicant has failed to demonstrate that the proposal would provide a suitable and safe vehicular access to the highways network and that adequate parking and pedestrian access can be created at the site.

Notes:

Despite the requirements of Paras 38-46 of the National Planning Policy Framework it has not been possible to reach a positive agreed solution through the Council's adopted and published procedures, which advise that pre-application advice should be sought prior to the submission of an application. This application was submitted without the applicant/agent having entered into meaningful pre-application discussions in relation to the planning policies and material considerations that apply to the proposal and the development shows insufficient regard to the policy requirements as detailed in the reasons above.

Refused plans:

A1451.01 - Site and Location Plans

A1451 SK 01 - Plans and elevations

Received by the Local Planning Authority on the 15 November 2022

13. SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14. FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15. RISK ASSESSMENT

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16. HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.